

IN THE SENATE OF THE UNITED STATES.

APRIL 5, 1860.—Ordered to be printed.

Mr. BENJAMIN made the following

REPORT.

[To accompany bill S. 379.]

*The Committee on Private Land Claims, to whom was referred the petition of Daniel Whitney, praying for the issue of a patent in his favor for certain lands, respectfully report:*

That they adopt the annexed report made on this case by the Committee of the Senate, on the 20th January, 1858, and for the reasons therein stated, recommend the passage of the accompanying bill :

IN THE SENATE OF THE UNITED STATES, *January 20, 1858.*

*The Committee on Private Land Claims, to whom was referred S. bill 595, "A bill for the relief of Daniel Whitney," have had the same under consideration, and concur in and adopt the following report, heretofore made by this committee:*

That they have examined the papers and proofs accompanying said bill, and contained in the American State Papers, and find that on the 15th day of September, 1823, Francis Lavonture presented to the commissioners appointed under the act of 1823 to hear and determine the claims of persons to tracts of land occupied and cultivated by them in the Green Bay settlement on the 1st of July, 1812, his claim, and the testimony to support it, to a tract of land described as follows:

"Commencing at low-water mark on Fox river, and running west eighty arpents, or so far as to make said claim contain six hundred and forty acres, as confirmed by said commissioners; and bounded on the south by a certain tract occupied by the United States garrison; west and north by wild or uncultivated lands; and east by Fox river, being sixteen arpents in breadth."

That the said commissioners decided that the claim be confirmed, and that it was not in conflict with any confirmation before made, (vol. 4 American State Papers, Green's edition,) and that they gave their certificate to the correctness of the proceedings had before them. That although by the act those proceedings confirmed and made perfect the title, vesting the same in the said Lavonture, yet the said tract of land

was embraced in a report made by the said commissioners to the Secretary of the Treasury upon all the unsettled claims in Michigan.

That the Secretary of the Treasury, instead of executing or carrying into effect the law of 1823, and instead of selecting the doubtful and uncertain claims from those which were confirmed, decided to lay all the claims before Congress, and submit all the decisions of the commissioners to it for supervision, refusing to cause the claims actually confirmed by law to be surveyed, and patents to be issued to the claimants.

That on the 17th of April, 1828, Congress passed an act to confirm certain claims passed upon by the commissioners, excluding those in the county of Michilimackinac, and also certain lands occupied by the United States for military purposes. That about the time of the passage of this act, the President of the United States (upon erroneous representations) was induced to make a large military reservation of land, in the vicinity of Fort Howard, at Green Bay, amounting to five or six thousand acres. In this tract was included the land of Francis Lavonture. The confirmatory act of 1828 was, therefore, of no benefit to him in procuring him the evidence of his title, as the Secretary, after its passage, refused the patent, because his land was thus embraced in the reservation.

That the title to the land continues in this condition, although the post, as a military station for troops, has been abandoned, and every part of the reservation has ceased to be occupied for military or government purposes; that the lands are not now required for such purposes, notice having been given during the year 1854, by the Secretary of War, for their sale; and that no compensation was ever made to the said Francis Lavonture for thus taking his land.

The action of the War Department seems to render it necessary, to relieve the claimants, to pray for an act of Congress in their behalf.

From the facts above set forth, the committee are of opinion that the said Lavonture, or his legal representative, is entitled to the confirmation of his title; they therefore report back the bill without amendment, and recommend its passage.